17th March 1966] *[திரு. மீ. கலியாணசுந்தரம்]*

பாராளுமன்ற உறுப்பினர் அவர்களை விடுதலை செய்வதற்கு உத்தரவிட்ட அந்த உத்தரவினுடைய நகலும், அதில் இருக்கக்கூடிய நிபந்தனைகளுக்கு அவர்கள் கையெழுத்துப் போட்டதும், அதோடு மார்ச் 2-ம் தேதி உறையூர் போலீஸ் ஸப்-இன்ஸ்பெக்டர் மூலம் அவருக்குக் கொடுக்கப்பட்ட தாக்கீதோ அல்லது கடிதமோ அவற்றையெல்லாம் பார்வையிடுவதற்கு, அதிகாரிகளுடைய தஸ்தாவேஜ்களையெல்லாம் பார்வையிடுவதற்கு அனுமதி கொடுக்க வேண்டும் என்று நான் கேட்டுக் கொள்ளுகிறேன்.

கனம் திரு. எம். பக்தவத்சலம்: கனம் சபாநாயகர் அவர்களே, கனம் அங்கத்தினர்களில் யார் தகவல் கேட்டாலும் நான் அவருக்குத் தெரிவிக்கத் தயாராயிருக்கிறேன். நாளைக்குப் பகல் 11 மணியிலிருந்து 12 மணிக்குள் என்னுடைய சேம்பருக்கு வந்தால், என்ன என்ன வேண்டும் என்று இன்றைக்கே தெரிவித்து விட்டால், அதையெல்லாம் நான் வைத்துக்கொண்டிருப்பேன். அதையெல்லாம் அதிலே அக்கறை உள்ள கனம் அங்கத்தினர்களுக்கு நான் காட்டலாம்.

IV.—PRIVILEGE MATTER.

CHIEF MINISTER'S STATEMENT *re.* ORDER SERVED ON SRI UMANATH, M.P., ON PAROLE.

MR. SPEAKER: Honourable Members, Regarding the notice of privilege of Sri K. A. Mathialagan, M.L.A., against the Chief Minister, I am giving the following ruling:—

The facts are these. On 9th March 1966, Sri Saw. Ganesan, raised a matter under Rule 41 of the Assembly Rules, on the reports in newspapers that day, regarding a motion of contempt against the Madras Government in the Lok Sabha. The Chief Minister said, in the course of his statement, that no fresh order was issued by the Government of Madras and that no such order was served by any Sub-Inspector on Sri Umanath. Now, it is ascertained that the Sub-Inspector of Police, Woriyur, had served an order on Sri Umanath, M.P. on 2nd March, informing him 'that he should not go to Delhi under the present conditions of parole', on the basis of a wireless message from the Deputy Secretary, Public Department, Madras.

Therefore, Sri Mathialagan, on 12th March 1966 gave notice of a privilege motion against the Chief Minister that "on 9th March 1966, the Chief Minister placed facts which were incorrect and not true; withheld facts which the House has a right to know and thereby deliberately misled this House. Therefore, the Chief Minister is liable for breach of privilege and contempt of this House." He also presented to me a copy of the order served on Sri Umanath, with a personal letter to him.

The Chief Minister in his reply to this notice on 15th March 1966 accepted that the Sub-Inspector of Police had served a Communication on Sri Umanath on the 2nd March, on a message in wireless from the Deputy Secretary, Public Department. But he contended that this communication was not an order of this

Government or by any competent authority, but only a clarification of the existing conditions of parole made with good intention. He also stated that at the time he replied to the notice of Sri Ganesan on the 9th, he was not aware of this clarification served by the Sub-Inspector or the message of the Deputy Secretary. So, he maintains that there is no ground for a motion for breach of privilege.

Sri Mathialagan also read from May's Parliamentary Practice several passages about the privilege of the House of the members. The ruling in the matter of Mr. Profuma in the House of Commons, England, is the only available ruling which is revelant to the matter in question. In India, Sri Mavalankar, Speaker of Lok Sabha in 1951, and Sri Ananthasayanam Ayyangar in 1958, have held that misleading statements, even intentional, will not constitute breach of privilege. But, in Profuma case the House of Commons stated the law "that the House may treat the making of a deliberately misleading statement as a contempt." I think that is the correct position which we have to follow now.

Coming to the matter now before me, the main question is whether the Chief Minister made a deliberately misleading statement in this House on the 9th March as alleged?

The Chief Minister contends that what was served on Sri Umanath, on 2nd March 1966 by the Sub-Inspector of Police is only a clarification and it is not an order; it was not issued or signed by a competent authority. Sri Mathialagan says it is an order, much more an illegal order. It may not be an order. But the pertinent question arises why that fact was not mentioned by the Chief Minister on the 9th when he made the statement in this House? For this the Chief Minister has stated that at that time he was not aware of the communication served by the Sub-Inspector of Police or the message from the Deputy Secretary. On the other hand, the sponsor of the motion asserted that the Chief Minister should have had the knowledge about this order earlier.

That is a question of fact which I have to decide.

The House is aware of what happened on the 9th March. Some news appeared in the newspapers about the contempt proceedings in the Lok Sabha against the Madras Government. There was eagerness on the part of some members to know about it. As a special case the notice of Sri Saw. Ganesan, under Rule 41, though oral and not a written one as usual, was admitted and the Chief Minister also made a statement in a hurry. If the Chief Minister had the information, in his possession, then, about the order or clarification served on Sri Umanath, my opinion is that, he would not have withheld that or suppressed it, especially when is is an order served in writing on no less a person than a member of the Lok Sabha.

17th March 1966] [Mr. Speaker]

Considering the facts and circumstances of this matter, I feel that there are no materials before me to indicate that the Chief Minister was in possession on the 9th of the fact of the order or clarification, served on Sri Umanath, and he wilfully suppressed it, before this House. I do not think the omission is a deliberate one with the intention to mislead the House.

It may be asked and as a matter of fact, was asked by the Deputy Leader of the Opposition, during the discussion, whether it was not necessary on the part of the Chief Minister to gather all facts before making a statement. The Chief Minister could have taken time, for which he was entitled under the rules, to answer the notice of Sri Saw. Ganesan, after getting the particulars. But that is beside the point for deciding the issue before me.

In the result, I hold that there is no *prima facie* case of breach of privilege and I rule the notice out of order.

V.—VOTING ON DEMANDS FOR GRANTS FOR 1966-67—*cont.*

(1) DEMAND No. XX—INDUSTRIES.

(2) DEMAND No. XLI—CAPITAL OUTLAY ON INDUSTRIAL DEVELOPMENT.

THE HON. SRI R. VENKATARAMAN : Sir, on the recommendation of the Governor, I move—

"That the Government be granted a sum not exceeding Rs. 1,82,64,100 under Demand No. XX—Industries."

திரு. வெ. கிருஷ்ணமூர்த்தி : கனம் சபாநாயகர் அவர்களே, நான் என்னுடைய பெயரில் உள்ள வெட்டுப்பிரேரணையை "சேலம் இரும்புத் தொழிற்சாலையை உடனடியாகத் துவக்குவதற்கு வேண்டிய நடவடிக்கைகளை மேற்கொள்ள வேண்டும்" என்பதை வற்புறுத்த பிரேரேபிக்கிறேன்.

"That the allotment of Rs. 1,82,64,100 under Demand No. XX—Industries be reduced by Rs. 100."

திரு. சா. கணேசன் : தலைவர் அவர்களே, "பிற்பட்ட தாக்குகள் (pockets) எவை எனப் பரிசீலித்து அவற்றிற்கிசைந்த தொழில் துறைகளை அமைத்து அவை வளர வழி செய்வதைப்பற்றி விவாதிக்க" என் பெயரில் கொடுக்கப்பட்டுள்ள வெட்டுப் பிரேரணையை நான் பிரேரேபிக்கிறேன்.

"That the allotment of Rs. 1,82,64,100 under Demand No. XX—Industries be reduced by Rs. 100."

THE HON. SRI R. VENKATARAMAN : Sir, on the recommendation of the Governor, I move :—

"That the Government be granted a sum not exceeding Rs. 8,88,17,500 under Demand No. XLI—Capital Outlay on Industrial Development.